

IN THE VERMONT SUPERIOR COURT  
WASHINGTON COUNTY CIVIL DIVISION

JUVENILE #1 (N.B.), ) Case No. 192-4-19 Wncv  
4 Plaintiff, )  
5 -against- ) Montpelier, Vermont  
6 KENNETH SCHATZ, COMMISSIONER, ) April 30, 2019  
7 DEPARTMENT FOR CHILDREN AND ) 9:04 AM  
FAMILIES, )  
8 Defendant. )

TRANSCRIPT OF COURT TRIAL

11 BEFORE THE HONORABLE MARY MILES TEACHOUT,  
SUPERIOR COURT JUDGE

12 APPEARANCES.

14 KERRIE L. JOHNSON, ESQ.  
15 DAWN M. SEIBERT, ESQ.  
16 Attorneys for the Plaintiff  
DAVID R. MCLEAN, ESQ.  
17 Attorney for the Defendant

17 | ALSO PRESENT:

18 GEORGE BELCHER, Guardian Ad Litem  
19 JAY SIMONS, Department for Children and Families  
19 ARON STEWARD, Department for Children and Families

PROCEEDINGS RECORDED BY ELECTRONIC SOUND RECORDING.

TRANSCRIPT PRODUCED BY TRANSCRIPTION SERVICE.

1           A. Very concerned. So again, I -- I am extremely  
2 concerned that a young person, particularly who might be obese  
3 or have asthma or a combination of the -- both, is going to  
4 die from positional asphyxiation, based on those techniques.  
5 I'm also concerned that individuals with a trauma history are  
6 being retraumatized, which is very damaging to them and -- and  
7 probably will result in a pattern of continually acting out in  
8 a way that will lead to further trauma -- traumatic  
9 situations. And I'm also concerned, actually, about the  
10 staff; I feel the way in which they're trained is putting them  
11 in positions where they're experiencing trauma themselves --  
12 secondary trauma, and that can't be good. It can't be good to  
13 have to have situations in which you're putting a young person  
14 in pain repeatedly.

15           Q. So are you saying that the staff are experiencing  
16 trauma because they're taught to conduct restraints in way  
17 that hurts the kids?

18           A. Yes, exactly.

19           Q. Okay. What if I told you that there were two more  
20 restraints in April that were problematic and similar, but not  
21 quite exactly the same ways as this one?

22           MR. MCLEAN: Objection. This is way beyond the scope  
23 of this hearing. This apparently refers to incidents that  
24 occurred after the complaint was filed. It's completely  
25 irrelevant to the issue in this case as to whether the